Secl. II-87—99,004—24-10-44.

REVENUE (194) Department

SERIES.

G.O. No. 322,

Dated the 26th March 1946

[Despatch Abstract.]

Alienation - Land - Revenue - (Bellary) - Bellary taluk and town - S.Nos. 432/24-B and 432/6-B 2.C.2 - Bellary District Athletic Association - Recreation Ground - Transfer of S.No.432/24-A to the Education Department Sanctioned.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.
G.O	4500	Rev	11-11-1873				
G.O	2310	Rev	28-10-31				

Further Papers.

G.O	No.	Department	Date.	G.O.	No.	Department.	Date.

Revenue Department.

Subject:- Alienation- Land Revenue- (Bellary)- Bellary Taluk and town - S.Nos.432/24-B. and 432/6-B. 2.C/2- Bellary District Athletic Association- Recreation ground- proposals-

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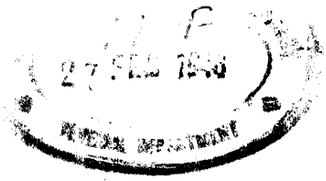
Rcfcc.E.No. 1249/44-9

Madras. dated 22-2-44

From

G. Venkateswara Ayyar Esq., I.C.S.,
Secretary Board of Revenue, Madras.



To

E. Bennett Esq., I.C.S., Commr. of Land Revenue & Post-War Reconstruction.

Read:-
Letter from the Collector of Bellary, Rc.No. 3248/4 27-11-44:-

Ref.1. Board's refcc. No.E. 1249/44-1 dated 3-5-1944.
2. do. " E. 1249/44-2 " 12-5-1944

The President, District Athletic Association, Bellary has applied for the alienation of the land in S.No. 432/24 of Bellary town measuring 4.54 acres for use as the site of a recreation ground for the promotion, control and co-opdination of games and athletic activities in this district. The land has been in occupation of the Association since May 1944. The Association registered under the Societies Registration Act XXI of 1860. The piece of land was reserved as a public recreation ground in G.O.4500 dated 11-11-1895. communicated with B.P.5791 (1R.) dated 18-11-1895 and is shown in the village accounts 'Recreation Ground Forambokc'. The Association proposes to enclose the site by compound walls and construct a stadium. His Excellency the Governor of Madras was pleased to lay the foundation stone for the stadium when he visited this district on 27-7-44.

2. The land applied for is a registered sub division and is situated very close to dwelling houses. The market value of the occupancy right is fixed at Rs.21,973-10-0 at Re.1/- per sq.yard which is reasonable. The land carries a ground rent of Rs.28-6-0 at Rs.6-4-0 per acre. There are no trees, or other appurtenances on the site except a portion of the compound wall constructed by the Association. The demarcation charges of Rs.3/ have been recovered from the Association. The land is not vested in any local body and the Bellary Municipality has no objection for the alienation. A notice was published in the village but no objection have been received The site is within half a mile from the Bellary Railway station and the Chief Engineer, M & S.M. Railway Madras has stated that there is no objection to the alienation.

3. The Association has agreed to abide by the general conditions of alienation and the special condition applicable to playgrounds, a copy of which is enclosed. As the object of the Association is to serve the interests of the sports clubs and athletics in the district which is a non remunerative public purpose I recommend the alienation free of occupancy right and the assessment or ground rent on it.

4. The following records are enclosed:-

1. Collector's R.Dis. 1733/95 dated 10-12-95 containing B.P.s.5104 Mis. dated 10-10-1895 and B.P. Mis.5791 dated 18-11-1895.

2. Topographical sketch (3) Proposals in the prescribed form.

4. Copy of land plan showing the proposed stadium and the compound wall 5) copy of general and special condition imposed on the alienee. The sketch received along with B.P. Mis. 5791 dated 18-11-1895 is not available. It appears to have been sent by the Collector, J.H. Tremenhere Esq., to Rao Bahadur Sri A. Sabhapathi Mudaliar (who died about 35 years ago) for reference in connection with the fencing the site.

Letter from the Collector of Bellary. C.3248/44-A.2. date

Ref:- Board of Revenue, Ref.E.1249/44-5 dated 29-6-45.

The District Athletic Association has occupied the ~~xxxxxxx~~n portion 'F K E A D C' of which the portions 'F K A D C' and 'K E A' are parts of sub-divisions 432/24 and 432-6 B/2 C respectively. For purpose of alienation the portions 'F K A D C' 'K E A' have been separately sub divided and denoted as 432/24-B and 432/6 B 2 C/2 measuring 3 acres 70 cents and 8 cents respectively. The market value works out to Rs.17,908/- and Rs.387- 3-0 and the ground rent to Rs.23-2-0 and Rs.0- 8-0 respectively. As S.No. 432/6-B 2 C/2 has been alienated to the Education department it has to be withdrawn from the control of that department and realienated to the District Athletic Association, Bellary. I submit revised alienation proposals for the above two portions separately along with the sub division records for favour of approval. The sketch received with the Board's reference is also enclosed.

Letter from the Collector of Bellary, No.Acc.3248/4 4-A.2 date 20-1-46:-
Board's refee. No.E.1249/44-6 dated 20-10-45.

There is no prima facie objection to leaving the Gazetted Officers' Association out of the site bearing S.Nos. 432/24 and 432/-6B/2 C. The Board may kindly sanction the proposals as they stand i.e. K.F.A. being alienated to the Athletic Association and K F B to the Training School.

2. But the Government training school is not using the site S.No. 432-6/B.2-C/1 at all as a playground. The matter of alienating a site to the Gazetted Officers' Association can however be taken up separately and need not be mixed up with the present proposals.
The sketch received with the Board's reference is resubmitted.

Reference:-

At the instance of the Collector of Bellary the Board recommends the alienation of the plot of lands comprised in S.Nos. 432/24-B. and 432/ 6B.2-C/2 ('F.K.A.D.C' and'K.E.A' marked in the sketch enclosed) of Bellary town taluk measuring Ac.3-C.70 and Ac.0-C. 08 in favour of the Secretary (for the time being) District Athletic Association, Bellary for the use as the site of Recreation ground.

2. 'K E A' forms part of the land transferred to the Education department for use as a play ground by the Government Training School for boys, Bellary in G.O.No.Ms.2310 dated 28-10-1936. The Bellary District Athletic Association has encroached upon this plot by constructing a wall along the line 'F.E' in the sketch. 'BCDA' was ordered to be reserved as a public recreation ground in G.O. No.4500 Rev. dated 11-11-1895. The District Athletic Association, Bellary has agreed to the transfer of the portion 'F.B.K' in the sketch to the Education department in return for the portion marked 'K.E.A'. The District Educational Officer, Bellary has also agreed to the proposal. The Board recommends the resumption of 'K.E.A before it is alienated to District Athletic Association, Bellary and the transfer to the Educational department of the plot 'F.B.K

3. The alienation will be free of charge for the occupancy right and free of ground rent but subject to the following conditions to which the alienee has agreed:-
1) the land shall be used as the site of a recreation ground and for no other purpose.
2) the stadium and the compound walls shall be constructed within a period of two years from the date of the grant.
3) no building other than a stadium and those required for enclosing the site shall be constructed on the land without the previous permission of the Collector of the district.

(4) The Government may resume the land wholly or in part with any buildings thereon. in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(5) The Government may resume the land wholly or in part with any buildings thereon if opinion of the Government the land is required public purpose, or for conduting mining operatio In the event of such resumption or in the event the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee

at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(6) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(7) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be ed from the date of the infringement. The decision of the Collector on the question whether a substantial income is derived from the land or not shall be final.

(8) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those whic may grow subsequently on the land the Government shall at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and pose of them at their pleasure. The alienee shall no be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collecto of the district.

(9) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature tree growing on the land.

(10) The alienee shall take steps to see that the marks made by the officers of the Government on the sandal- wood trees are preserved and are not tampered with; and

(11) In the event of the infringement of, or failure to observe, any of the conditions (8) to (10), the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever

For. Searcher

To the Secretary to Government, Revenue Department,
with alienation statements and sketches to be returned in original). one sketch

01 show
Section
below Dp
26/8/41

Rev. Secrt. 28—3,006—28-12-36

GOVERNMENT OF MADRAS

Received _____ 193 *egistered.* 193

Abstract.

Alienation - Land - Revenue - (Bellary) - Bell
fabric to town - S. Nos 432/24-B & 432/6-B 2-C -
Dt Athletic Assn Recreation ground - Sanctn
& Transfer of S. No. 432/24-A to the same on payt
Sanctn. ordd -

REVENUE DEPARTMENT.

G.O. No. Ms. 622 **Dated the**

READ the following :—

G.O. Ms 4500 Rev dt 11-11-1895
G.O. Ms 2310 Rev dt 28-10-1936
From the Bd of Rev Rc. E. No. 1249/44-9 dt 22-2-194

ORDER—

The Government sanction the alienation of 1½ Wets of land in S. Nos 432/24-B & 432/6 B. 2-C/2 of Bellary town by an area measuring 3 acres and 70 cents and favour of the Secretary (for the time being) Dt. Athletic Assn necessary for use as the site of Recreation grounds.

2. The alienation will be free of charge for the occupancy right

free of gr

but subject to the following conditions :—

The land shall be used as the site of a recreation ground and for no other purpose

~~and for no other purpose.~~

(2) The ~~buildings~~ stadium & the compound walls shall be constructed within a period of two years from the date of the grant.

(3) No buildings other than a sta
those reqd for enclosing the site shall be
constructed on the land without the previous
permission of the Collector & the district

(4) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses

(5) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less; and

In the event of resumption under condition if there are buildings on the land, the Government may, at their option, either–

(*a*) purchase the buildings, or

(*b*) direct the grantee to remove the buildings.

In the event of the resumption of the land followed by the purchase of the buildings under condition or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any such grant made in respect of the cost of the buildings or other improvements may be deducted from the compensation payable under this condition. In no circumstances shall any compensation be paid by the Govt. in respect of the buildings constructed in contravention

In the event of the grantee refusing to remove the buildings, when so directed under condition the Government may remove them and realize the cost of the removal by the sale of the materials.

(6) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

[H. E. paragraphs 7 – 11 at pp 4-5 CF]

2 The plot of land comprised in S. No. 432/6B-2 – A which is now under the control of the Education Deptt will be resumed by the Revenue Deptt before it is alienated